IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2495 of 2005

In

Criminal Appeal No.1371 of 2003

Sanjay Seetaram Khandgavare and anr..Applicants

V/s

The State of Maharashtra .. Respondent

Shri Sachindra B. Shetye for Applicants

Mr.B.H.Mehta,A.P.P. for State

CORAM:A.S.AGUIAR,J.

DATED:5th October 2005

P.C.:-

1. Heard the learned Advocate for the Applicants and the learned A.P.P.

2. This is the second application for bail by the applicants-accused, who have been convicted for offences under Section 498A, 306 read with 34 IPC. The earlier application was rejected by order dated 12-1-2004. However, by the said order liberty was granted to the applicants to apply for expedition of the hearing of the appeal some time in the first week of March, 2004.

3. The applicants states that no such application has yet been made in view of he fact that the paper book and record and proceedings have not yet been received. He points out that appeal will take some time to reach hearing and in view thereof he prays that Applicants be granted bail. He further points out that Applicants were sentenced to r/i for 5 years and have been in custody since November 2003. They have therefore undergone a substantial part of the sentence imposed.

4. The accused were convicted on the basis of letters which they have written and which have been produced before the concerned Magistrate. The said letters clearly indicate that the Applicants had demanded dowry.

4. No new circumstance entitling the Applicants to apply for bail are set out except the lapse of time. In view thereof the application is rejected. Appeal be fixed for hearing some time in the fourth week of November 2005. Paper book and record and proceedings be called for immediately.

5. In the event if the paper book not being received before the end of November 2005 liberty to the applicants to apply for bail.

6. Application disposed of accordingly.

(A.S.AGUIAR,J.)